

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Jeanine A. Sortisio,
Steven R. Sortisio,

Plaintiffs,

vs.

Peter Accetta, M.D., et al.

Defendants.

Hon. Hugh B. Scott

09CV176A

AFFIDAVIT

STATE OF MISSOURI)
) ss:
COUNTY OF JACKSON)

Mark C. Hegarty, Esq., being duly sworn, deposes and says:

1. I am an attorney admitted to practice in Missouri and Kansas. I submit this affidavit in support of my application to appear pro hac vice on behalf of defendant Astellas Pharma US, Inc. in this action.

2. I make this application pursuant to Local Rule 83.1.

3. I reside at 9703 W. 144th Terrace, Overland Park, Kansas 66221. My office address is 2555 Grand Blvd., Kansas City, Missouri 64108.

4. I attended the following educational institutions and received the following degrees on

a. 1984 B.S., Kansas State University (Chemical Engineering)

b. 1990 J.D., University of Kansas School of Law

5. My major areas of professional activity since my initial admission to the bar includes the practice of Pharmaceutical and Medical Device litigation.

6. I was admitted to practice in the Supreme Court of the States of Kansas and Missouri and am a member in good standing with the bars of Kansas and Missouri.

7. I am currently admitted to practice before the United States District Court for the District of Kansas, the United States District Court for the Eastern District of Missouri, the United States District Court for the Western District of Missouri, the United States District Court for the District of Nebraska, the United States Court of Appeals for the 6th Circuit, the United States Court of Appeals for the 9th Circuit, and the United States Court of Appeals for the 10th Circuit.

8. I have never been held in contempt of court, censored in a disciplinary proceeding, suspended or disbarred in any court or admonished by any disciplinary committee of a organized bar. I am not the subject of any pending complaint before any court.

9. I have read and am familiar with the following:

- a. The provisions of the Judicial Code, 28 U.S.C. §§ 1130-1452, which pertain to jurisdiction of and venue in a United States District Court;
- b. The Federal Rules of Civil Procedure;
- c. The Federal Rules of Criminal Procedure;
- d. The Federal Rules of Evidence;

- e. The Local Rules of Practice for the United States District Court for the Western District of New York;
- f. The “**Revised Plan for the Prompt Disposition of Criminal Cases**” for the Western District of New York;
- g. The New York State Rules of Professional Conduct as adopted from time to time by the Appellate Divisions of the State of New York and as interpreted and applied by the United States Supreme Court, the United States Court of Appeals for the Second Circuit and this Court; and
- h. Local Civility Principles.

10. I agree to adhere faithfully to the New York State Rules of Professional Conduct as adopted from time to time by the Appellate Divisions of the State of New York.

WHEREFORE, I respectfully request that I be admitted as an attorney in the United States District Court for the Western District of New York, pro hac vice.

s/Mark C. Hegarty
Mark C. Hegarty, Esq.

Sworn to before me this
7th day of May, 2009

s/Deanna M. Robinson
Notary Public
State of Missouri, Jackson County
Commission Expires 03/02/13